

REMARKS

Applicant respectfully request reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

The specification has been amended on page 1.

Claims 1-12 have been cancelled.

New claims 13-24 have been added

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Claims 13-24 are currently pending.

Rejections under 35 U.S.C. § 112

Claims 6, 9, and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 6, 9, and 10 have been cancelled. Applicant submits that new claims 13-24 are not indefinite and avoid the grounds of rejection outlined in the Office Action. Withdrawal of these rejections is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1-3, 7, 8, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 1026198. This rejection is respectfully traversed. Claims 1-3, 7, 8, and 12 have been cancelled. Withdrawal of this rejection is respectfully requested.

New claim 13 recites a method for producing a heat exchanger header tank from plastic by means of injection molding that includes the steps of: injection molding in an injection molding apparatus, at a first temperature to form a heat exchanger header tank, a plastic composition consisting essentially of a polyamide that contains a crystallization accelerating agent; during the injection molding step, adding to the plastic composition under pressure a physical blowing agent comprising a gaseous composition; removing the molded

heat exchanger header tank from the injection molding apparatus while the surface of the plastic material is at a second temperature that is below the first temperature and greater than a temperature at which injection molded polyamide heat exchanger header tanks are normally removed from injection molding apparatus; and immediately inserting into the removed heat exchanger header tank a tensioning member for preventing significant changes in shape of the header tank.

As noted in paragraph 0007 of Applicant's disclosure, according to one aspect, Applicant's invention advantageously compensates for volumetric shrinkage that results during cooling of a plastic. Furthermore, as discussed in paragraph 0009 of Applicant's disclosure, in another aspect, Applicant's invention advantageously increases the relaxation rate by removing the molded product from the mold at a higher temperature, causing the molded product to stabilize more quickly during further processing.

EP 1026198 discloses a polypropylene composition that includes a nucleating agent (D). See paragraphs 0115 and 0116 of EP 1026198. However, EP 1026198 does not disclose the step of "injection molding in an injection molding apparatus, at a first temperature to form a heat exchanger header tank, a plastic composition consisting essentially of a polyamide that contains a crystallization accelerating agent" (emphasis added), nor the step of adding to the plastic composition under pressure a physical blowing agent comprising a gaseous composition during the injection molding. Furthermore, EP 1026198 fails to disclose the step of "removing the molded heat exchanger header tank from the injection molding apparatus while the surface of the plastic material is at a second temperature that is below the first temperature and greater than a temperature at which injection molded polyamide heat exchanger header tanks are normally removed from injection molding apparatus." For that matter, neither is the final step of claim 13 disclosed in the reference. Therefore, EP 1026198 fails to identically disclose or describe all of the subject matter of claim 13.

New claims 14-24 depend directly or ultimately from claim 13 and are likewise not anticipated by the prior art for at least the same reasons as claim 13.

Rejections under 35 U.S.C. § 103

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1026198 in view of U.S. Patent No. 5,047,440 (hereafter “Wilson, Jr.”). This rejection is also moot in view of the cancellation of claims 4 and 5. Furthermore, Wilson, Jr. fails to remedy the deficiencies of EP 1026198 in regard to new claim 13. A combination of EP 1026198 and Wilson, Jr. fails to disclose or suggest the subject matter of claim 13.

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1026198 in view of U.S. Patent No. 4,303,728 (hereafter “Houdek et al.”). This rejection is also moot, since claim 6 has been cancelled. Furthermore, Houdek et al. fails to remedy the deficiencies of EP 1026198 in regard to new claim 13. A combination of EP 1026198 and Houdek et al. fails to disclose or suggest all of the limitations of claim 13.

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1026198 in view of U.S. Patent No. 5,214,088 (hereafter “Allen et al.”). This rejection is also rendered moot by cancellation of claims 9 and 10. Furthermore, Allen et al. relates to a very different process than the claimed invention, in that the reference discloses a method of molding thermoplastic copolyether esters and/or copolyetherimide esters combined with high molecular weight polyester resins having high contents of dense filler materials, for use in applications usually reserved for ceramics or filled thermosets. Thus, Allen et al. fails to remedy the deficiencies of EP 1026198 in regard to new claim 13. Further, while the reference discloses a mold temperature of 120-240 degrees F, it fails to disclose or suggest removal of a molded product while the molded product is still at this surface temperature. Therefore, a combination of EP 1026198 and Allen et al. fails to disclose or suggest all of the subject matter of claim 13.

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over EP 1026198 in view of Applicant’s Specification, in particular the Background section of Applicant’s Specification. This rejection is respectfully traversed. Claim 11 has been cancelled, and therefore the rejection is moot. Furthermore, even if, *arguendo*, it were considered

appropriate to in principle combine the Background section of Applicant's Specification with EP 1026198, there is surely no motivation whatsoever to do so, inasmuch as the EP reference does not relate to a process for forming a heat exchanger header tank from polyamide, nor would such a combination of the two references produce the subject matter of new claim 13.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

JUN 16 2006

Date _____

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5414
Facsimile: (202) 672-5399

Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479